



COUNTY OF LOS ANGELES

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The Honorable Board of Supervisors
County of Los Angeles
383 Kenneth Hahn Hall of Administration
500 West Temple Street
Los Angeles, California 90012

Dear Supervisors:

**SET ASIDE ADOPTION OF MITIGATED NEGATIVE DECLARATION AND
APPROVALS FOR THE TERMINO AVENUE DRAIN PROJECT
(FOURTH SUPERVISORIAL DISTRICT) (3 VOTES)**

**IT IS RECOMMENDED THAT YOUR BOARD AS THE GOVERNING BODY OF THE
LOS ANGELES COUNTY FLOOD CONTROL DISTRICT :**

Set aside and vacate your adoption of the Mitigated Negative Declaration ("MND") and project approvals for the Termino Avenue Drain Project (the "Project"), direct that the Department of Public Works suspend all project activities that could adversely affect the physical environment, take such action as the Department of Public Works deems appropriate based upon a proper study of the baseline conditions of the tidal culvert connecting the Colorado Lagoon and the Marine Stadium in the City of Long Beach, and take such other investigative steps as may be appropriate to comply with the California Environmental Quality Act ("CEQA") and all other relevant statutes, codes, and guidelines.

PURPOSE/JUSTIFICATION OF RECOMMENDED ACTION

The purpose of this action is to comply with a Peremptory Writ of Mandate issued in the Los Angeles Superior Court which challenged your Board's previous adoption of the MND and approval of the Project.

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Your Board adopted the MND and approved the Project on June 12, 2001. On July 13, 2001, Friends of Colorado Lagoon ("FOCL"), a citizen's group based in the City of Long Beach, filed a Petition for Writ of Mandamus challenging your Board's project approvals and alleging violations of CEQA.

Trial on the Petition was held on July 3, 2002, in Department 85 of the Los Angeles Superior Court. On August 5, 2002, the Court entered judgment in favor of FOCL.

The Superior Court issued a Peremptory Writ of Mandate ordering the Los Angeles County Flood Control District ("District") to set aside and vacate the MND, suspend all project activities that could adversely affect the physical environment, take such action regarding the Project as the District deems appropriate based upon a proper study of the baseline conditions of the tidal culvert connecting the Colorado Lagoon and the Marine Stadium, and to take such other investigative steps as may be appropriate to comply with CEQA. The Court further ordered the District to file a return to the Writ on or before September 16, 2002, setting forth what the District has done to comply.

Implementation of Strategic Plan Goals

This recommended action is not applicable to strategic plan goals since the Board is complying with a Court order.

FISCAL IMPACT/FINANCING

Cost of further environmental and engineering studies as well as the preparation of the appropriate environmental documentation will be paid from the District's Budget.

FACTS AND PROVISIONS/LEGAL REQUIREMENTS

The Project involves the construction of a state-of-the-art storm drain system which will alleviate severe local flooding and improve the quality of storm water runoff in a neighborhood within the City of Long Beach ("City").

The Project consists of an underground storm drain system with an outlet structure at the Colorado Lagoon, a low-flow line connecting the system to an outlet at the Marine Stadium, and a system to divert summer nuisance flows to the District's sanitary sewer line.

During trial, FOCL raised several arguments in support of their petition. FOCL's main arguments centered on allegations that the MND failed to adequately address a number of impacts to birds and marine life. On this issue, the Court ruled against FOCL and held that FOCL had failed to present sufficient evidence.

FOCL also argued that District's hydrology report did not comply with CEQA because the District had failed to determine the baseline conditions of a tidal culvert, owned and maintained by the City, connecting the Colorado Lagoon and Marine Stadium (the "tidal culvert") and failed to determine the tidal culvert's current dimensions.

The District prepared its hydrology report for the Project based on dimensions found in as-built drawings for the tidal culvert provided by the City. During trial, FOCL presented the Court with evidence demonstrating that the tidal culvert is currently impacted with marine growth. The Court agreed that the baseline conditions of the tidal culvert had not been properly determined and issued a Peremptory Writ directing the District to take the actions recommended herein.

IMPACTS ON CURRENT SERVICES (OR PROJECTS)

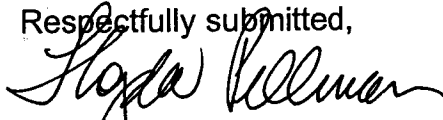
The recommended action will not affect current services or other projects.

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ENVIRONMENTAL DOCUMENTATION

The Court did not specify the environmental documentation to be prepared. Therefore, whether an MND or Environmental Impact Statement ("EIR") will be prepared will be determined by the District, following its additional analysis based upon the Court's order.

Respectfully submitted,



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